

Chapter 8 Small Claims Courts

78A-8-101 Creation.

There is created a limited jurisdiction division of the district and justice courts designated small claims court.

Amended by Chapter 205, 2012 General Session

78A-8-102 Small claims -- Defined -- Counsel not necessary -- Removal from district court -- Deferring multiple claims of one plaintiff -- Supreme Court to govern procedures.

- (1) A small claims action is a civil action:
 - (a) for the recovery of money where:
 - (i) the amount claimed does not exceed \$10,000 including attorney fees but exclusive of court costs and interest; and
 - (ii) the defendant resides or the action of indebtedness was incurred within the jurisdiction of the court in which the action is to be maintained; or
 - (b) involving interpleader under Rule 22 of the Utah Rules of Civil Procedure, in which the amount claimed does not exceed \$10,000 including attorney fees but exclusive of court costs and interest.
- (2)
 - (a) A defendant in an action filed in the district court that meets the requirement of Subsection (1)(a)(i) may remove, if agreed to by the plaintiff, the action to a small claims court within the same district by:
 - (i) giving notice, including the small claims filing number, to the district court of removal during the time afforded for a responsive pleading; and
 - (ii) paying the applicable small claims filing fee.
 - (b) No filing fee may be charged to a plaintiff to appeal a judgment on an action removed under Subsection (2)(a) to the district court where the action was originally filed.
- (3) The judgment in a small claims action may not exceed \$10,000 including attorney fees but exclusive of court costs and interest.
- (4) Counter claims may be maintained in small claims actions if the counter claim arises out of the transaction or occurrence which is the subject matter of the plaintiff's claim. A counter claim may not be raised for the first time in the trial de novo of the small claims action.
- (5) Claims involving property damage to a motor vehicle may be maintained in small claims actions, and any removal or appeal thereof, without limiting the ability of a plaintiff to make a claim for bodily injury against the same defendant in a separate legal action. In the event that property damage claim is brought as a small claims action:
 - (a) any liability decision in an original small claims action or appeal thereof is not binding in any separate legal action for bodily injury; and
 - (b) no additional property damage claims can be brought in any separate legal action for bodily injury.
- (6)
 - (a) With or without counsel, persons or corporations may litigate actions on behalf of themselves:
 - (i) in person; or
 - (ii) through authorized employees.

- (b) A person or corporation may be represented in an action by an individual who is not an employee of the person or corporation and is not licensed to practice law only in accordance with the Utah rules of small claims procedure as promulgated by the Supreme Court.
- (7) If a person or corporation other than a municipality or a political subdivision of the state files multiple small claims in any one court, the clerk or judge of the court may remove all but the initial claim from the court's calendar in order to dispose of all other small claims matters. Claims so removed shall be rescheduled as permitted by the court's calendar.
- (8) Small claims matters shall be managed in accordance with simplified rules of procedure and evidence promulgated by the Supreme Court.

Amended by Chapter 368, 2013 General Session

78A-8-103 Assignee may not file claim.

A claim may not be filed or prosecuted in small claims court by any assignee of a claim.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-8-104 Object of small claims -- Attachment, garnishment, and execution.

- (1) The hearing in a small claims action has the sole object of dispensing speedy justice between the parties. The record of small claims proceedings shall be as provided by rule of the Judicial Council.
- (2) Attachment, garnishment, and execution may issue after judgment as prescribed by law, upon the payment of the fees required for those services.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-8-105 Civil filing fees.

- (1) Except as provided in this section, the fees for a small claims action in justice court shall be the same as provided in Section 78A-2-301.
- (2) Fees collected in small claims actions filed in municipal justice court are remitted to the municipal treasurer. Fees collected in small claims actions filed in a county justice court are remitted to the county treasurer.
- (3) The fee in the justice court for filing a notice of appeal for trial de novo in a court of record is \$10. The fee covers all services of the justice court on appeal but does not satisfy the trial de novo filing fee in the court of record.

Amended by Chapter 34, 2010 General Session

78A-8-106 Appeals -- Who may take and jurisdiction.

- (1) Either party may appeal the judgment in a small claims action to the district court of the county by filing a notice of appeal in the original trial court within 30 days of entry of the judgment. If the judgment in a small claims action is entered by a judge or judge pro tempore of the district court, the notice of appeal shall be filed with the district court.
- (2) The appeal is a trial de novo and shall be tried in accordance with the procedures of small claims actions. A record of the trial shall be maintained. The trial de novo may not be heard by a judge pro tempore appointed under Section 78A-8-108. The decision of the trial de novo may not be appealed unless the court rules on the constitutionality of a statute or ordinance.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-8-107 Costs.

The prevailing party in any small claims action is entitled to costs of the action and also the costs of execution upon a judgment rendered therein.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-8-108 Evening hours -- Judges pro tempore.

- (1) The district or justice court may request that the Supreme Court appoint a member of the Utah State Bar in good standing, with the member's consent, as judge pro tempore to hear and determine small claims at times, including evening sessions, to be set by the court.
- (2) After being duly sworn, judges pro tempore shall:
 - (a) serve voluntarily and without compensation at the request of the court; and
 - (b) be extended the same immunities, and have the same powers with respect to matters within the jurisdiction of the small claims court as exercised by a regular judge.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-8-109 Report to Judiciary Interim Committee.

The Judicial Council shall present to the Judiciary Interim Committee, if requested by the committee, a report and recommendation concerning the maximum amount of small claims actions.

Amended by Chapter 51, 2011 General Session